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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,364	05/09/2005	Yoshinori Hishikawa	029650-170	4895

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EXAMINER

KOHARSKI, CHRISTOPHER

ART UNIT	PAPER NUMBER
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3763

NOTIFICATION DATE	DELIVERY MODE
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03/12/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/534,364	Applicant(s) HISHIKAWA ET AL.	
	Examiner CHRISTOPHER D. KOHARSKI	Art Unit 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/9/05, 12/11/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

The Examiner acknowledges the preliminary amendment filed 05/09/2005 in which claims 5 and 9-10 were amended. Currently claims 1 and 3-10 are pending for examination in this application. Additionally, the Examiner also acknowledges the and accepts the drawings filed 05/09/2005 and the notice of acceptance under 35 U.S.C. 371 and 37 CFR 1.495 filed 09/07/2005.

Information Disclosure Statement

The information disclosure statements (IDS) that were submitted on 05/09/2005, and 12/11/2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statements.

Specification

The abstract of the disclosure is objected to because it exceeds the 150 maximum limit. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 4 is objected to because of the following informalities: Regarding claim 4, the claim limitations reference an "inner cavity" for the male connector and female connector without antecedent basis this limitation in the preceding claim. For the purposes of examination the Examiner will assume that the cavities being claimed are the resultant fluid communication passageways within the connectors. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

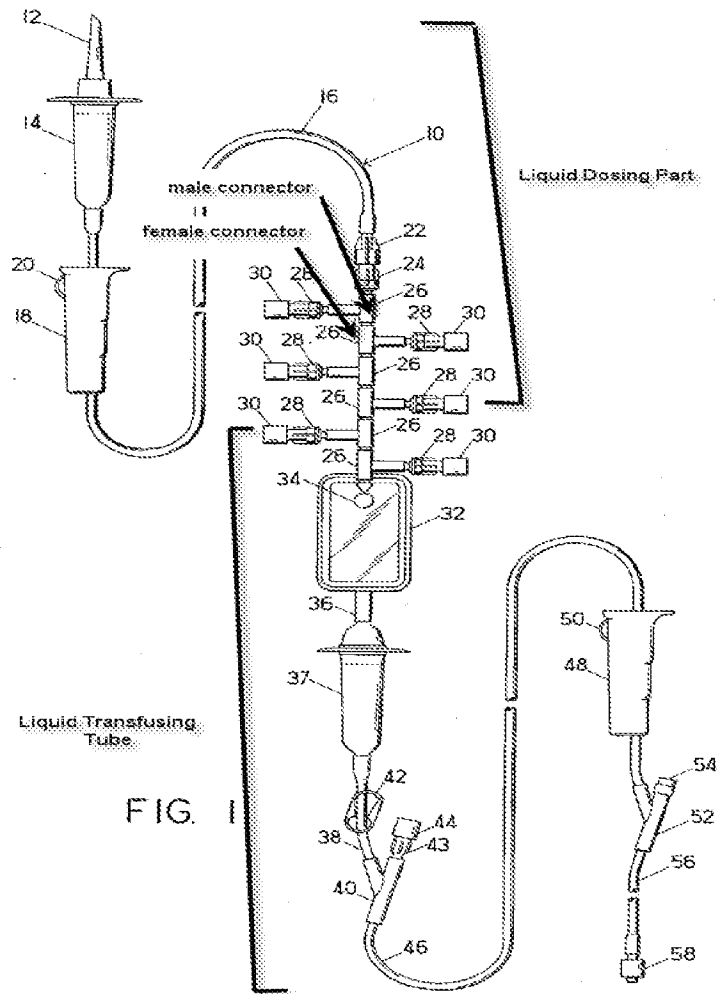
Claims 1 and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gula et al. (USPN4,447,230). Gula et al. discloses an intravenous administration set assembly.

Regarding claims 1 and 5-10, Gula et al. discloses a liquid transfusing assembly (Figure 1) comprising: a tube constituting a liquid transfusing channel (fluid channel from element 26-46); a connector (26) provided at one end part of said tube; and a connection part (opposite side of element 26) provided on the other side of said tube and connected to the side of a containing part containing a transfusion (connected to spike 12); wherein said connector includes a male connector and a female connector (tee spike distal/proximal ends (26)), and the axis of said male connector and the axis of said female connector substantially coincide with each other (along longitudinal axis of center of tee spikes 26); and a liquid dosing part (assembly from 12-upper tee connector 26) for dosing a patient with said transfusion, said liquid dosing part having a liquid dosing part side connector (upper tee 26) capable of being connected to one of said male connector and said female connector of said connector of said liquid transfusing tube (46-26); wherein in the condition where one of said male connector and said female connector of said connector of said liquid transfusing tube and said liquid

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dosing part side connector of said liquid dosing part are connected with each other, the other of said male connector and said female connector of said connector of said liquid transfusing tube can be connected to a liquid transfusing tube other than said liquid transfusing tube (Figure 1, see marked up figure below).

Gula et al. further discloses the liquid dosing part having a bacteria-removing filter (32, col 3, ln 55-65) provided on the downstream side relative to said liquid dosing part side connector; wherein said liquid dosing part has a mixing injection port (43) on the downstream side (defined as fluid flow from 12 to 58) of said bacteria-removing filter (32); and wherein said liquid dosing part side connector is branched into a plurality of parts (tees 26) so that a connector provided on the other end side of a tube having on its one end side a connection part connected to another liquid container (tee ends 28) other than said liquid container and said connector of said liquid transfusing tube can be simultaneously connected (Figure 1, col 3, ln 30-55, see marked up figure below).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-4 are rejected under 35 U.S.C 103(a) as being unpatentable over Gula et al. (USPN4,447,230) in view of Boyle et al. (USPN4,734,091). Gula et al. meets the claim limitations as described above except for the channel changeover function and inner cavity fluid communication.

However, Boyle et al. teaches a filtered manifold apparatus and method of ophthalmic irrigation.

Regarding claims 3-4, Boyle et al. teaches a liquid transfusing assembly (Figure 1) with a liquid transfusing tube (60) connected to a plurality of 3-way stopcock valves (54) connected to a transfusion source (12) with each valve configured to change fluid channels via the valve stem (110) to fluidly connect the male/female ends (Figure 3, col 4, ln 10-45).

At the time of the invention, it would have been obvious to incorporate the 3-way valve stems of Boyle et al. to the system of Gula et al. in order to allow for fluid control through the infusion tube assembly and allow for fluid channel closing when valve is not in use. The references are analogous in the art and with the instant invention; therefore, a combination is proper. Therefore, one skilled in the art would have

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combined the teachings in the references in light of the disclosure of Boyle et al. (cols 1-2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Koharski whose telephone number is 571-272-7230. The examiner can normally be reached on 5:30am to 2:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date: 2/10/2009

/Christopher D Koharski/
Examiner, Art Unit 3763

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763

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